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ABSTRACT

This publication was written to respond to the fact that many drug treatment centers receive inappropriate referrals of casual or recreational marihuana users from the courts for "treatment" as an alternative to jail. A drug abuse task force recommended that agencies give priority to abusers of the high-risk categories and to compulsive users of drugs of any kind. It also suggested the concept of an alternative educational model for casual users of low-risk drugs and recommended the adoption and implementation of such a structure throughout the country. In this way, more appropriate services will be provided to casual drug abusers. Educational services can be provided either as an additional program track at a treatment facility, or as a specialized educational service operated by community agencies not directly involved in treatment. This monograph examines four examples of alternative educational programs currently in operation. Descriptions of these four programs are presented. The programs described in this monograph provide one example of alternative programming which can be established to meet a community need and to provide human, inexpensive, and individualized services to the casual drug user. (Author)

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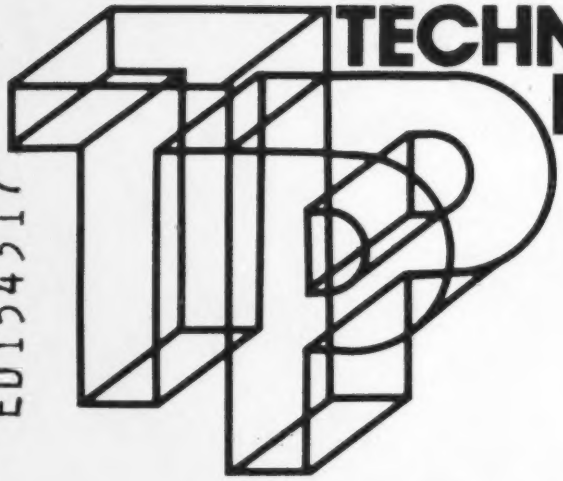

An Approach for Casual Drug Users

U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

CG 012593

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service
Alcohol, Drug Abuse, and Mental Health Administration

An Approach for Casual Drug Users

Edited by:

Erwin S. Bloom

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
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NOTE: NIDA has used the U.S. Government Printing Office preferred spelling for marihuana, but has followed the marijuana spelling when quoting other sources or referring to programs that use the Spanish spelling.

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I would like to express my thanks to Stewart L. Baker, Jr., M.D., Chairperson of the Treatment Subcommittee of the Cabinet Committe on Drug Abuse Prevention, Treatment, and Rehabilitation, and to the members of the Subcommittee for their review and most helpful comments on this monograph. My special thanks to Treatment Subcommittee member Lee I. Dogoloff for his cogent and perceptive comments and for his support and encouragement. The idea for this monograph was initiated by the Treatment Subcommittee.

The description of the Army's Fort Jackson program was prepared by John F. Mazzuchi, Ph.D., Director, Education and Treatment/Rehabilitation, Office of the Assistant Secretary of Defense for Health Affairs. Dr. Mazzuchi is a member of the Treatment Subcommittee. Other program descriptions were graciously supplied to the Treatment Subcommittee by: Kenneth B. Budman, Ph.D., Drug Division Coordinator, California Office of Narcotics and Drug Abuse; Bruce Bomier, Executive Director, Minnesota Behavioral Institute; and Robert M. Ross, Assistant Director, Rimrock Guidance Foundation.

If it were not for the interest and efforts of the above, this monograph would not have been possible. I am deeply indebted to these individuals.

Erwin S. Bloom
Division of Community Assistance
National Institute on Drug Abuse

PREFACE

On March 14, 1977, President Carter issued a memorandum which activated the Office of Drug Abuse Policy (ODAP) and revitalized the Strategy Council to serve as the Government-wide advisory committee replacing the Cabinet-level committees concerned with international narcotics control, drug abuse prevention, and drug law enforcement. While the Cabinet Committee on Drug Abuse Prevention, Treatment, and Rehabilitation, and its Treatment Subcommittee are no longer in existence, their ideas concerning an approach for casual drug users are of significant import and relevance to the field. Therefore, the National Institute on Drug Abuse is publishing this monograph so that their work in this area may be distributed to Single State Agencies and to drug programs, as well as to other interested agencies and individuals.

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AN INTRODUCTION TO ALTERNATIVE EDUCATIONAL PROGRAMS

This monograph is an outgrowth of the review by the Treatment Subcommittee of the Cabinet Committee on Drug Abuse Prevention, Treatment, and Rehabilitation[1] of a recommmendation made by the Domestic Council Drug Abuse Task Force. In the 1975 *White Paper on Drug Abuse: A Report to the President*, the Task Force had noted that casual marihuana users were often inappropriately referred to drug treatment centers by the courts:

> The task force ... recognizes that many drug treatment centers face the problem of receiving inappropriate referrals of casual or recreational marihuana users from the courts for "treatment" as an alternative to jail. This places both the client and the treatment center in a difficult position.[2]

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[1]The Cabinet Committee on Drug Abuse Prevention, Treatment, and Rehabilitation was given the mandate to coordinate "all policies of the Federal Government relating to drug abuse, prevention, treatment, and rehabilitation services, as well as related research activities." Membership on the Cabinet Committee included the Secretary of Health, Education, and Welfare as Chairman, the Secretaries of Defense and Labor, and the Administrator of Veterans Affairs. The Director of HEW's National Institute on Drug Abuse was the Executive Director. The Cabinet Committee established five interagency subcommittees: Treatment, Prevention, Employment, Criminal Justice, and Research and Evaluation.

The Treatment Subcommittee was comprised of representatives from the Office of Federal Drug Management, Office of Management and Budget; the Veterans Administration; the Department of Defense; the Food and Drug Administration; the National Institute on Drug Abuse; the National Institute on Alcohol Abuse and Alcoholism; and the National Institute of Mental Health.

The Cabinet Committee on Drug Abuse Prevention, Treatment, and Rehabilitation, and its Subcommittees, was abolished on March 14, 1977 (see Preface).

[2]Domestic Council Drug Abuse Task Force, Executive Office Building, Washington, D.C. *White Paper on Drug Abuse: A Report to the President*. September 1975, p. 70.

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The Treatment Subcommittee shares the concern voiced by the Task Force over inappropriate referrals.

The Drug Abuse Task Force recommended that agencies involved in drug abuse treatment programs give priority to abusers of the high-risk categories and to compulsive users of drugs of any kind.[3] This recommendation is supported by the Treatment Subcommittee, which concluded that the placement of a casual or recreational user of a low-risk drug into "treatment," with its full range of counseling and supportive services and associated costs, is not therapeutically indicated.

The Treatment Subcommittee further endorses the concept of an alternative educational model for casual users of low-risk drugs and recommends the adoption and implementation of such a structure throughout the country. In this way, more appropriate services will be provided to casual drug abusers. Educational services can be provided either as an additional program track at a treatment facility, or as a specialized educational service operated by community agencies not directly involved in treatment.

If an alternative educational program is initiated, it is of vital importance that an appropriate public relations and public information campaign occur. It is imperative that these programs achieve acceptance by key players in the criminal justice system--such as judges, prosecutors, and defense attorneys--as well as by the general public and the community.

This monograph will examine four examples of alternative educational programs currently in operation:

The Minnesota Alternative to Treatment Program for Casual Marihuana Users
The Court School for Drug and Alcohol Related Offenses (administered by the Rimrock Guidance Foundation, Montana)
The Fort Jackson Marijuana Educational Program
The California Drug Offender Diversion Program

Descriptions of these four programs are presented in following sections.

The programs described in this monograph provide one example of alternative programming which can be established to meet a community need and to provide humane, inexpensive, and individualized services to the casual drug user. The Treatment Subcommittee limited itself to this one type of alternative programming, which, it believes, most directly addresses the concern expressed in the *White Paper* over inappropriate referrals of casual drug users by the criminal justice system. The Treatment Subcommittee also had a circumscribed mandate, with the consideration of most alternatives falling within the purview of the Prevention Subcommittee.

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[3]Ibid., p. 101.

It is hoped that through the identification of key concepts common to the programs, and through a brief description of the operational rationales which characterize these programs, other program sponsors will be able to establish similar efforts, adapted to respond more definitively to their individual needs.

KEY CONCEPTS COMMON TO FOUR ALTERNATIVE EDUCATIONAL PROGRAMS

There are certain concepts common to all four programs. These are key ingredients to the particular type of alternative educational programs of special relevance as an alternative to treatment for the casual drug user. The key common concepts are as follows:

Active Liaison With and Referral Through the Criminal Justice System

Clients referred into the four programs described in this monograph have all reportedly violated the law and have been initially identified and processed by the criminal justice system. The Minnesota program's prospective clients have been convicted of a petty misdemeanor for possession of marihuana. Most of the Rimrock program's prospective clients have been charged with a driving while under the influence of alcohol (DWI) offense; many of these offenders have also been charged with possession of marihuana. The Army Fort Jackson program's prospective clients have been arrested on the post for possession and/or use of marihuana, and the California program's prospective clients have been arrested on drug charges and processed through the Drug Offender Diversion Statute.

All programs receive notifications from, and referrals by, the criminal justice system. In the cases of the Minnesota and Rimrock programs, notification is by the court; at the Fort Jackson program notification is provided by the military base Provost Marshal's Office. These programs thus respond to the basic concern for a constructive alternative to inappropriate court referrals.

First Offenders/Casual Drug Users

All four of these programs target their services at first offenders. It is not the aim of these programs to "treat" the chronic, compulsive drug abuser; rather, it is their aim to intervene at an early stage with the casual user before the dysfunctional drug use pattern has progressed to a more advanced and resistant stage.

In the cases of the Rimrock and Fort Jackson programs, candidates are screened and services are limited to the alternative educational model for casual drug users. Those in need of "treatment" because of a chemical dependency problem receive counseling and other indicated services within another segment of the

program, which is operated separately from the alternative educational approach. The Minnesota program receives referrals without prior screening such as that provided in the Rimrock or Fort Jackson programs. However, due to the fact that all individuals referred are first-time offenders for possession of a minimal amount of marihuana, there is a basic self-selection factor in operation for the clients referred. Under California Drug Offender Diversion Statutes, Probation Departments screen eligible first-time drug possession offenders to determine their suitability for diversion into one of a variety of community treatment or education programs. From 1973 through 1975, nearly 85 percent of the divertees were marihuana offenders.

Within each program, individuals in need of treatment can be referred to treatment programs, but, significantly, those not in need of this service are provided the more appropriate short-term, educational services.

Short Term--Educational

All of the programs described in this monograph are educational models. The educational format is divided between didactic presentations and group discussion. Some of the programs include the provision of an individual discussion at the end of the course. The duration of a session and the period between sessions vary between the programs, but they are all short term.

The courses provide information on the legal ramifications of the client's drug use as well as information on the social, psychological, and physiological ramifications of drug abuse. While individual programs vary in their emphasis on the different types of information described above, and while some of the programs do not cover all of the types of information listed, all focus on the theme of rational and more responsible decisionmaking, especially in regard to the rational use of intoxicants.

It is noteworthy that some of the programs include alcohol abuse along with other drug abuse while other programs limit their focus to drug abuse other than alcohol. It is also interesting to note that the California program consists of a multitude of alternative approaches individually designed to meet the needs at the county level with the enabling statute establishing the basic diversion approach.

The Program as an Alternative

All the programs described provide either an alternative to incarceration or treatment, or both. The programs are specifically constructed to allow for a short-term, inexpensive, educational alternative for the casual drug user.

FINDINGS

The Treatment Subcommittee recognizes that programs differing from the ones described here can be effective. For example, alternative programs need not include contact with and formal referrals from the criminal justice system. There could be options for informal referrals from the criminal justice system

and referrals at the precinct level as a diversion process even prior to, or in lieu of, arrest and booking. There are numerous other examples of alternative programming which could be cited and which also engage in combinations of prevention, education, and outreach--for example, programs which operate within a school system. These need not be mutually exclusive from the programs described in this monograph, nor should treatment programs exclude themselves from engaging in such activities.

The programs identified in this monograph, however, will be of assistance to the treatment community in addressing the concerns expressed over inappropriate referrals by the criminal justice system to drug treatment programs. The establishment of alternative educational programs, tailored to the specific needs of the State and/or community, will ease the burden on local treatment programs by assisting individuals who otherwise would be inappropriately referred to treatment programs. Inappropriate referrals to drug treatment programs would occupy treatment spaces and compromise specialized resources which are best focused on those individuals who are abusing drugs with a greater risk or who are complusively using drugs. The two concepts--drug treatment programs and educational alternatives--are mutually supportive and complementary. Each should treat the population most appropriate for its services and at a cost appropriate for the services needed. With the provision of both services, a broader community need is served, and care is more definitively responsive.

THE MINNESOTA ALTERNATIVE TO TREATMENT PROGRAM FOR CASUAL MARIHUANA USERS

In 1976 legislation was passed in Minnesota providing that individuals convicted of possessing a small amount of marihuana would be guilty of a petty misdemeanor punishable by a fine of up to $100, and participation in a drug education program, unless the court entered a written finding that such a program was inappropriate. The program had to be approved by an area mental health board with a curriculum approved by the State alcohol and drug abuse authority. A subsequent violation of this law, within 2 years, would be a misdemeanor, and a person so convicted would be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation. No criminal record would be accrued.

After enactment of the law, the Single State Agency, utilizing Federal Formula Grant funds pursuant to Section 409 of Public Law 92-255, awarded a contract totalling $160,000 to the Minnesota Behavioral Institute (MBI) for the establishment and operation of this new drug education response.[1] During the duration of the contract an effort will be made, through the contract, to decentralize and localize the administration and delivery of the program.

The program is currently administered and coordinated by a full-time program director, a full-time program coordinator, and a half-time information coordinator (MBI staff). Forty local educators have been recruited throughout the State and have been trained to conduct the local program sessions. Generally, a local educator delivers the program sessions once or twice a month. It is anticipated that as the program becomes routinized the time of the program director can be reduced.

Upon conviction for the petty misdemeanor, the court (the State has 114 courts) directs its clerk of the court to send a standardized postage-paid referral card indicating the name and address of the participant as well as his/her age and sex to the MBI. Referrals are plotted on a map at the MBI on a geographic basis and clusters of referrals are scheduled for the two 2-hour sessions. Even if there are only a few referrals in an area, a class is always

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[1]Program cost per client:

1st 6 months of program operation, $64
7-18 months of program operation, estimated $40
18 months-3 years of program operation, estimated $23

held within 90 days from receipt of the referral. Upon receipt of the referral cards, the MBI notifies the participants that they must attend a seminar at a given time and location. The participants are further advised to remit $25 to defray the public cost of the project. It is made clear that in the case of financial hardship an exemption will be granted. In the event that the participant (defendant) fails to attend the scheduled seminar, a communication is sent to the court advising it of the noncompliance and inquiring whether the individual should be rescheduled. The statute provides legislative intent mandating attendance under penalty of misdemeanor.

Upon the participant's completion of each of the program sessions, the referring court is provided with attendance data and the participant receives no criminal record. If there is no subsequent violation within two years, all government reference to the violation is destroyed.[2]

The main programmatic theme of the Minnesota program is to convince the participants to pause and calculate how the misuse of intoxicants may jeopardize both themselves and others. Special attempts are made to persuade the participants not to use intoxicants in those patterns that public health data indicate most typify abuse of intoxicants:

1. Using illegal drugs corrupted with other substances.
2. Compulsively pursuing intoxication (dependency).
3. Using intoxication to build an image.
4. Combining the use of different intoxicants.
5. Financial hardships incurred through extensive use.
6. Criminal justice and career development hazards.
7. Inherent danger of self-medication.

Further information on the Minnesota Program can be obtained from Mr. Bruce Bomier, Executive Director, Minnesota Behavioral Institute, 2501 4th Avenue North, Anoka, Minnesota 55303; telephone (612)427-5310.

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[2]The Uniform Criminal Code provides intent toward expungement for minimal "victimless crimes" and a number of States have adopted expungement proceedings. It would therefore be possible for States without specific reference to expungement in their law to expunge a record. In the case of the State of Minnesota there is strong legislative intent toward expungement, and in the case of minimal marihuana violators it is absolutely required.

1976
LAWS OF MINNESOTA

69th Legislature, 1976 Session

Marijuana--Possession of Small Amounts

Chapter 42

152.01 Definitions

Subd. 9. Marijuana. "Marijuana" means all parts of the plant Cannabis sativa L., including all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

Subd. 16. Small amount. "Small amount" as applied to marijuana means 1.5 ounces avoirdupois or less. This provision shall not apply to the resinous form of marijuana.

152.09 Prohibited Acts

Subd. 1. Except as otherwise provided in this chapter, it shall be unlawful for any person, firm, or corporation to

(1) manufacture, sell, give away, barter, deliver, exchange or distribute; or possess with intent to manufacture, sell, give away, barter, deliver, exchange or distribute, a controlled substance.

152.15 Violations; penalties

Subd. 1. Any person who violates section 152.09, subdivision 1, clause (1) with respect to:

(5) A small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to $100 and participation in a drug education program unless the court enters a written finding that such a program is inappropriate, said program being approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority. A subsequent violation of this clause within two years is a misdemeanor, and a person so convicted shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation. Upon a first conviction under this section the courts shall forward a report of said conviction to the department of public safety which shall make and maintain a private, nonpublic,

record for a period not to exceed two years from the date of conviction. The private, nonpublic record shall be solely for use by the courts in determining the penalties which attach upon conviction under this section.

Additionally a person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, more than .05 ounce of marijuana is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(6) In any case in which a defendant is convicted of a petty misdemeanor under the provisions of clause (5) and willfully and intentionally fails to comply with the sentence imposed, said defendant shall be guilty of a misdemeanor.

(7) Compliance with the terms of any sentence imposed for violation of clause (5) before conviction under clause (6) shall be an absolute defense.

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COURT SCHOOL FOR DRUG AND ALCOHOL RELATED OFFENSES (MONTANA)

The Drug and Alcohol School (D.A.S.) is administered by the Rimrock Guidance Foundation, an alcohol and drug treatment center funded by Federal, State, and local grants. The D.A.S. has a twofold purpose. First, a concerted effort is made to offer education to the defendants about their alcohol and drug use, and the laws that pertain to substance abuse. It is assumed that the general public knows very little about State and local laws that apply to substance abuse and that they have little awareness about the problems that result from alcohol and drug use and abuse.

To achieve this first goal of education, the D.A.S. provides 7 hours of educational experience for each individual in the program. A combination of films, lectures, and group interaction offers the individual brief but functional impressions on alcohol and drug use, and the laws.

The second, but more important goal of the D.A.S. program, is to identify those individuals who may have a chemical dependency problem. The statistics of the previous 12 months reveal that the D.A.S. program served 200 people in 11 Montana counties. Of those individuals, it has been found that nearly 70 percent have a chemical dependency problem of one degree or another. Most of the defendants referred to the school are charged with DWI (driving while under the influence of alcohol). The second most frequent charge against the court-referred client is possession of illicit drugs. Many defendants who are charged with DWI are also charged with possession of illicit drugs--most often marihuana--following a search of their vehicle. With identification of the problem drinker or drug abuser, the individual will be shown alternatives and recommendations on what can be done about the problem. Each defendant coming into the program is administered diagnostic tests designed specifically for identifying chemical dependency problems. The tests are only part of a detailed evaluation, and the expertise of the counselor is necessary in order to make a final summary of each individual. Through this process of education and evaluation many people have returned to Rimrock Foundation for further treatment.

As a procedure for referral, the process is begun at the defendant's arraignment session. Upon a plea of guilty, or after a court conviction, the presiding judge orders the defendant to attend the D.A.S. program in addition to any sentence given to the individual. At the time of referral, the court clerk gives the individual a written notice with the schedule and location of the school. Also, at the arraignment session when the court makes the referral, the defendant is assessed a $35 fee which is to be paid to the D.A.S.

program counselor. Because of the limited resources of rural communities, the program must be self-supporting; hence, each defendant is charged the mandatory $35 fee.

As no counselor is available to the rural courts on a daily basis, a Rimrock staff member makes daily phone contact with the courts for referrals. The court is also advised to fill out a referral form in triplicate with the defendant's name, address, and case docket number. This referral form substitutes for the usual court order forms and is absolutely necessary in maintaining accurate court and school records on clients in the program.

Upon completion of the D.A.S. program, the counselor assigns a return court date as the defendant is required to appear before the judge for final sentencing. It should be noted that the defendant is sent to school on a presentence basis.

The presiding judge is furnished with a written evaluation on the defendant before the final court appearance. The evaluation form gives diagnostic impressions and plausible treatment recommendations if it is appropriate to do so.

In the event the court chooses to refer the defendant back to the counselor, the D.A.S. staff member will have daily phone contact with the court to facilitate the referral. Due to the fact that the defendant is sent to school on a pre-sentence basis, the court will enforce attendance to the school with penalties for failure to comply.

The school is divided into four sessions, each dealing with separate yet familiar problems. The spouse or other family members are encouraged to attend the entire school, including the evaluation session. The first class involves 30 minutes of orientation, with the filling out of forms, etc. Following orientation, class discussion involves information about the DWI charge and other drug-alcohol related offenses. Information about blood alcohol levels, implied consent laws, and physical tests to determine substance content in the individual's system is given here. A film *Driving Under the Influence* finishes this class.

The second class deals entirely with drugs other than alcohol. Time is given to specifying what the law says. Some discussion is given to the dangers of combining drugs with alcohol use, and extensive information is given about the problems that arise from prescription abuse. It has been the school finding that most of the defendants in middle or late years of age are abusing medications such as pain relievers or tranquilizers such as Valium and Librium. Polydrug use seems to be a very frequent condition of the defendants sent to the school. A film on drug impairment levels is shown to complete the 2-hour class.

The final night class is given to the problem of "chemical dependency." This problem is defined as a result of any substance abuse, and is clearly shown to be a family problem as well as an individual problem. Discussion is given to how legal entanglements develop as well as how the law can be of help.

Again utilizing visual aids, a film on chemical dependency as a deteriorating effect on families is shown.

The evaluation session completes the school. This last visit is a private conference between the defendant and the school counselor. With counselor expertise and the previously administered test result, the counselor concludes a diagnostic impression of the individual's problem with substance abuse. At this point it is extremely important that the spouse be present. Family members can be very helpful in offering pertinent information, and are many times anxious for help in dealing with a problem that has been going on for quite some time. Definite suggestions are given to the defendants on how they may deal with any existing drug problem. Treatment recommendations are always offered to those who may need such an approach. The defendant is given a duplicate copy of the evaluation report that the court receives. The defendant is entirely aware of what the counselor has written and given to the judge: no information is passed to the court without client knowledge.

The entire D.A.S. program requires about 4 weeks to complete. It is offered in the evening, and is open to all court-referred defendants and family.[1] No public attendance is allowed. The course content is such that any alcohol or drug related offense is an appropriate reason for referral. In almost all cases, however, if the court does not make attendance mandatory, the defendant will not attend. It is extremely important that the court give total support to the school concept or the program will be faulty and ineffective.

As an added final note, the effectiveness of the program can be measured by the reduction in recidivism rate in arrests and the number of effectively completed referrals to treatment. If these goals are not attained, the program will be futile. The latter is achieved by effective counseling, accurate diagnosis, and absolute confidentiality. In a referral setting this last effort is extremely difficult, but vitally important to the survival of a drug and alcohol program of any magnitude.

The description of the Drug and Alcohol School was prepared by Robert M. Ross, Assistant Director, Rimrock Guidance Foundation, 923 North 29th Street, Billings, Montana 59101. Telephone (406)248-3175.

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[1]The Montana Legislature during its January-April 1977 Session enacted legislation effective July 1, 1977, which makes the DWI program, or a jail sentence, mandatory for first offenders (DWI).

THE FORT JACKSON
MARIJUANA EDUCATION PROGRAM

The Army installation at Fort Jackson, South Carolina has established the Marijuana Education Program as an alternative to either judicial punishment or treatment for those arrested on post for possession and/or use of marihuana. This 10-hour program is offered to first-time offenders and is aimed at convincing the marihuana user to stop using the drug for at least the duration of Army duty. The course emphasizes facts about the physical and psychological effects of marihuana, the career consequences and legal consequences of use while in the military, how to cope with stress, and alternatives. A description of how clients are selected and an outline of the course content are presented below.

Each day, the Alcohol and Drug Abuse Office contacts the base Provost Marshal's office to obtain a list of first-time marihuana arrests. Unit leaders of offenders are then contacted to schedule an intake interview to determine if the offender is eligible for the Marijuana Education Program and to determine the most appropriate time to schedule the person for the course. After conducting an evaluation of the client, if the counselor decides that the remedial education program would be appropriate, the client is enrolled in the course. Attendance is mandatory.

After the initial 1-hour intake interview, the client attends four 2-hour classes. The general goals of these classes are: to disseminate factual information about current research regarding the medical, psychological, social, career, and legal implications of marihuana abuse; to encourage participants to examine themselves and reevaluate their behavior and values as well as to explore constructive alternatives to drug abuse; and to promote the development of responsible and mature decisionmaking as related to life issues. An outline of each class follows:

Session	Class Hour	Topic	Time
I	-	INTRODUCTION Why you're here - Overview of course - Administrative procedures (attendance, timeliness, etc.). Introduction of staff.	10 minutes
	1	SUBSTANCE ABUSE IN OUR SOCIETY Getting acquainted exercise - Film: *Is It Always Right to be Right?* - discussion. Lecture and discussion of the history of drug abuse in the United States.	50 minutes
	Break		10 minutes
	2	MARIHUANA: WHAT IS IT? Effects; research findings; discussion.	50 minutes
II	-	INTRODUCTION AND REVIEW	10 minutes
	3	CIVILIAN AND MILITARY REGULATIONS ON MARIHUANA USAGE Lecture; discussion; role play on how the client was referred to the class.	50 minutes
	Break		10 minutes
	4	WHY PEOPLE USE DRUGS Lecture; discussion (small group); role play using various reasons for drug use.	50 minutes
III	-	INTRODUCTION AND REVIEW	10 minutes
	5	COPING WITH STRESS Discussion - What is stress; Is it good or bad; How to avoid harmful stress; Methods used to relieve stress and the results of each. Handout - "Stress," a report from Blue Cross and Blue Shield.	50 minutes
	Break		10 minutes

	6	VALUES CLARIFICATION Handouts; group discussion; definition of values and how we obtain them; seven valuing processes; values, conflicts, and confusion; storytelling exercise.	50 minutes
IV	7	ALTERNATIVES TO DRUG ABUSE A discussion of alternatives using several references including Allan Cohen's material; What is available here?	50 minutes
	Break		10 minutes
	8	TIME FOR DECISION (Accepting responsibility for one's behavior) Role portrayals; group discussion.	50 minutes
		Brief summation and review of course COURSE EVALUATION no names needed - must be turned in before leaving room.	10 minutes

After completing the four classes, each client is given a final 1-hour evaluation interview by the class instructor and encouraged to contact the Alcohol and Drug Abuse Office should further problems arise.

This description of the Army's Fort Jackson program was prepared by John F. Mazzuchi, Ph.D., Director, Education and Treatment/Rehabilitation, Office of the Assistant Secretary of Defense for Health Affairs.

CALIFORNIA DRUG OFFENDER DIVERSION PROGRAM

The State of California has had an operational drug offender diversion program since 1973. The enabling legislation, Penal Code 1000, was enacted in December of 1972.

> From 1973 through 1975, P.C. 1000 was the vehicle for removing nearly 75,000 drug possession offenders from conventional criminal prosecution channels into programs of education, treatment or rehabilitation. For the first three years, almost 85% of these divertees were marijuana offenders, and 86% of all divertees successfully completed their programs and had their charges dismissed. P.C. 1000 has enjoyed broad general approval. Originally given a two year life, the experimental diversion law was renewed for two more years in 1974, and in 1975 it was expanded and renewed until January 1, 1979 by enactment of AB 1274.[1]

California Senate Bill 95, which was enacted in July of 1975, has had considerable impact on the drug offender diversion program. This bill makes possession of 1 ounce or less of marihuana a citable misdemeanor with a maximum penalty of $100. The impact of this on the drug offender program has been the significant reduction in the number of marihuana related divertees and an increase in the number of hard drug related divertees.

Two excellent and thorough reports have been published concerning these two laws. The first, published in November of 1975, by the State Office of Narcotics and Drug Abuse, is entitled *Education, Treatment, or Rehabilitation - Drug Offender Diversion Programs in California.* This pamphlet describes the community programs diversion clients are sent to, where they benefit from education, treatment, or rehabilitation. While many of the program descriptions are not current, as programs have revised their orientation and formats to deal with the changing client population (i.e., hard drug related diversions), this document describes a wide range of diversion programs established

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[1] State Office of Narcotics and Drug Abuse. *A First Report of the Impact of California's New Marijuana Law (SB 95).* January 1977, p. 13.

within the State. The second document, published in January of 1977 by the State Office of Narcotics and Drug Abuse, is entitled *A First Report of the Impact of California's New Marijuana Law (SB 95)*. In this document we see the impact of SB 95 on P.C. 1000.

These documents are too extensive for inclusion in their entirety. However, the selected overview of the California drug offender diversion programs which follows will be extracted from them.

A California Supreme Court statement clearly sets forth the twofold purpose of the State's diversion program:

> First, diversion permits the courts to identify the experimental or tentative user before he becomes deeply involved in drugs, to show him the error of his ways by prompt exposure to educational and counseling programs in his own community, and to restore him to productive citizenship without the lasting stigma of a criminal conviction.
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> Second, reliance on this quick and inexpensive method of disposition, when appropriate, reduces the clogging of the criminal justice system by drug abuse prosecutions and thus enables the courts to devote their limited time and resources to cases requiring full criminal processing.[2]

Education, Treatment, or Rehabilitation describes the diversion program.

> The Drug Offender Diversion Program (Penal Code Section 1000 *et seq.*) has been the mechanism for diverting from 2,500 to 3,000 young drug law violators per month in the more than two and a half years of its existence in California. Over 80% have been charged with marijuana-related possession offenses. About 86% of the 26,000 divertees removed from the diversion process in 1973 and 1974 have successfully completed some kind of "community program" and have had their original drug charges dismissed....
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> P.C. 1000 was enacted as part of the Campbell-Moretti-Deukmejian Drug Abuse Treatment Act of 1972. For specific drug law violators who are neither involved in violence, sales of drugs, nor drug offenses other than possession, and whose criminal records do not reflect prior drug convictions or probation or parole violations, the law directs the district attorney to acknowledge their diversion eligibility and refer them to the probation department for a suitability investigation. The probation officer prepares a recommendation to the court based upon an interview and an assessment of his or her "demonstrable motivation" to benefit from a program.

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[2]State Office of Narcotics and Drug Abuse. *Education, Treatment, or Rehabilitation - Drug Offender Diversion Programs in California.* November 1975, p. 1.

> Nearly nine out of ten defendants investigated are found to be suitable and are diverted for a period of six months to two years, a majority being removed from diversion in the minimum time required by the statute....
>
> It has been observed that this flexibility in the statute has allowed the counties to fit diversion into their own drug abuse prevention and treatment plans while meeting the needs of divertees and developing programs in accordance with the broadest interpretation of *education, treatment, and rehabilitation.*[3]

As we see, the California program is flexible in design to meet the individual needs in the counties. This individualization is an aspect of the California program which is different from the other program examples presented in the monograph. Its large size is also a distinguishing feature.

A few examples of diversion programs established to implement P.C. 1000, are as follows:

> In many counties the drug education program is seen as an adjunct of the educational process. Information about the physiological, psychological and sociological effects of drug abuse is presented in a lecture-type format, often augmented by audio-visual material and discussion. One such course set up in a rural county through the community college was provided to the majority of divertees who were screened by the mental health department and were found to be free of serious emotional, behavioral and/or drug problems. They attend the following four week, one night a week educational program:

ADULT DRUG DIVERSION

Course Outline

Session One (3 hours)

1. Orientation to Course
2. Adult Drug Diversion Law: P.C. 1000
3. Laws and Effects of Drug Offenses
4. Defining Drug Abuse
5. History of Drug Abuse

Session Two (3 hours)

1. Society Approach to Preventing Drug Abuse: Enforcement
2. Society Approach to Preventing Drug Abuse: Education

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[3]Ibid., pp. 1-2.

3. Society Approach to Preventing Drug Abuse: Treatment
4. Cannabis: Physical, Social, Psychological Aspects

Session Three (3 hours)

1. Psychedelics: Physical, Social, Psychological Aspects
2. Volatile Liquids: Physical, Social, Psychological Aspects
3. Narcotics: Physical, Social, Psychological Aspects

Session Four (3 hours)

1. Stimulants: Physical, Social, Psychological Aspects
2. Sedatives: Physical, Social, Psychological Aspects
3. Motivational Factors for Drug Abuse: Personal and Institution

Through the mental health department, those divertees in need of a more intensive approach are placed in individual, family or group counseling, residential drug treatment or a residential detoxification program. Screening by the mental health counselor is the key to appropriate program referrals.

One of the more structured diversion programs in a medium sized county has set up five objectives and the means to measure their accomplishment by diversion clients. Drug education is only one component, as indicated by the objectives below. Groups are set up according to results of a "drug I.Q." test, a self report form and a counselor's diagnosis of drug usage and social or behavioral problems. The general objectives are:

1. Clients will be informed about the physiological, psychological and social effects of drug use and will understand which if any of these factors contribute to their personal situation;

2. Clients will discover and pursue constructive alternatives to dangerous drug use;

3. Clients will take full responsibility for their drug use and its consequences;

4. Clients will develop feelings of self-esteem when they are lacking;

5. Clients will establish an acceptable social role independent of the drug subculture.

By a series of one hour lectures, films and discussions followed by sessions using encounter groups and role playing, the counselors emphasize the "feeling" personal and problem-solving aspects of social relationships. The course is set up with 12 standardized modules dealing first with pharmacology, the "education" part of the program, and then with values clarification

sessions, the "treatment" portion. Any one of a set of alternative modules can be substituted for a regular encounter session if the counselor and the group prefer a different format.

Drug Education courses meet the very real need for accurate information about drugs and their effects, particularly the abuse of drugs. But information alone is not enough. The drug abuse prevention program in the State Department of Education has identified five general areas of concentration in the education of youth and young adults. To be armed against potential individual decisions which may lead to drug abuse or other self-destructive behavior, a person needs to develop (1) communication skills; (2) understanding of alternatives; (3) accurate information (about drugs); (4) self-esteem; and (5) understanding of their own values and decision making. Most diversion programs where there is an opportunity to deal with individuals rather than unwieldly numbers have reduced their emphasis on drug information and have focused attention on various aspects of these other human needs and values.

For example, one large drug education program follows a crisis intervention approach to diversion. A key assumption is that the arrest and court procedure is a crisis in the individual's life, and that crisis intervention in an accepting, non-judgmental atmosphere helps individuals cope constructively with the situation which precipitated the crisis and prevents more damaging consequences. Having been arrested and diverted for a "crime" they invariably deem a social or recreational activity, clients express generalized hostility toward the whole system. The counselor ultimately tries to turn that negative energy of hostility into the productive energy of problem solving.

Thus the program starts with the reality of the arrest experience and moves through the legal and political reality to explore individual goals and decisions related to that reality. The positive aspects of the program relate to the individual's long and short term goals. In three sessions of two and a half hours each, divertees deal with the crisis first and then learn about drugs, the responsibilities of drug use and the risks involved. A portion of the course outline follows:

Acting in Our Area of Effectiveness

Do they as individuals distinguish between drug use and drug abuse? When do you start worrying about a friend? (Signs of abuse.) How do you understand why a person is abusing? (Discussion of dynamics of drug abuse as people attempt to meet their needs.) What do you do about it? (What is helpful and what is not.) Give information on crisis OD's; how to

recognize what to do, agencies that can help. Go over our drug information pamphlet.

Finally, the program provides information about community resources available to clients, family and friends who may be experiencing crises in their lives. Alternatives to drug abuse include involvement of the individual in physical activities, interests, peers and volunteer work helping other people with drug or related problems. The expectation of this crisis intervention orientation is that divertees will see their diversion program as a beginning of involvement rather than an academically oriented experience to be completed as soon as possible.[4]

The State Office of Narcotics and Drug Abuse did not feel at the time of the 1975 publication that specific endorsements of diversion programs would be appropriate, nor would it be possible to assert that one particular program is more successful or beneficial than another. They thus decided to avoid identifying counties or programs.

As was stated earlier, Senate Bill 95 has had a significant impact on the California drug diversion program established under P.C. 1000. The following is a brief summary of SB 95:

Senate Bill 95 was enacted in July 1975 following debate over reducing criminal penalties for possession of marijuana. Prior to SB 95, possession of any amount of marijuana for personal use was a possible felony carrying a penalty of up to 10 years in state prison, with stiffer punishment for succeeding offenses. The new law makes possession of one ounce or less of marijuana a citable misdemeanor with a maximum penalty of $100. There is no incarceration and no increased punishment for recidivists. Possession of more than one ounce for personal use is a straight misdemeanor, and possession of concentrated cannabis (hashish) remains an alternate felony/misdemeanor. Cultivation of any amount of marijuana remains a straight felony offense, as does possession for sale, importing or transporting more than one ounce. Record destruction provisions were included in SB 95 for both current and past arrests and convictions for marijuana possession.[5]

In 1975, statewide diversions were 85 percent marihuana related (20,540) and 15 percent hard drug related (3,691), while in 1976 diversions were 50 percent marihuana related (5,954) and 50 percent hard drug related (5,979).[6]

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[4]Ibid., pp. 4-8.

[5]State Office of Narcotics and Drug Abuse. *A First Report of the Impact of California's New Marijuana Law (SB 95).* January 1977, Introduction.

[6]Ibid., p. 13.

Not only have the relative percentages changed, but so have the total numbers. It appears that SB 95 is the primary mechanism which is being used to handle marihuana cases while P.C. 1000 is increasingly being used for the diversion of hard drug cases. Programs which had been serving large numbers of marihuana divertees are having to restructure themselves to receive a lesser number of more heavily drug-involved clients.[7]

Even though the program descriptions may be somewhat outdated in terms of the current client population, they represent clear examples of primary marihuana diversion programs.

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[7]Ibid., p. 14.

DRUG OFFENDER DIVERSION STATUTE

January 1, 1976

(Original statute amended by AB 1274, Chapter 1267, approved by Governor October 1, 1975, as follows:)

Section 1000. (a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for violation of Section 11350, 11357, 11364, 11365, 11377, or 11550 of the Health and Safety Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4230 of the Business and Professions Code, and it appears to the district attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

(1) The defendant has no conviction for any offense involving controlled substances prior to the alleged commission of the charged divertible offense.

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a violation relating to narcotics and restricted dangerous drugs other than a violation of the sections listed in this subdivision.

(4) The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed.

(5) The defendant's record does not indicate that he has been diverted pursuant to this chapter within five years prior to the alleged commission of the charged divertible offense.

(6) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged divertible offense.

(b) The district attorney shall review his file to determine whether or not paragraphs (1) to (6), inclusive, of subdivision (a) are applicable to the defendant. If the defendant is found ineligible the district attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his attorney.

Section 1000.1. (a) If the district attorney determines that this chapter may be applicable to the defendant, he shall advise the defendant and his attorney in writing of such determination. This notification shall include:

(1) A full description of the procedures of diversionary investigation.

(2) A general explanation of the roles and authorities of the probation department, the district attorney, the community program, and the court in the diversion process.

(3) A clear statement that the court may decide in a hearing not to divert the defendant and that he may have to stand trial for the alleged offense.

(4) A clear statement that should the defendant fail in meeting the terms of his diversion, or should he be convicted of a misdemeanor which reflects the divertee's propensity for violence, or should the divertee be convicted of any felony, he may be required, after a court hearing, to stand trial for the original alleged offense.

(5) An explanation of criminal record retention and disposition resulting from participation in the diversion and the divertee's rights relative to answering questions about his arrest and diversion following successful completion of the diversion program.

(b) If the defendant consents and waives his right to a speedy trial the district attorney shall refer the case to the probation department. The probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior controlled substance use, treatment history, if any, demonstrable motivation and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which community programs the defendant would benefit from and which of those programs would accept the defendant. The probation department shall report its findings and recommendation to the court.

(c) No statement, or any information procured therefrom, made by the defendant to any probation officer or drug treatment worker, which is made during the course of any investigation conducted by the probation department or drug treatment program pursuant to subdivision (b), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation.

No statement, or any information procured therefrom, with respect to the specific offense with which the defendant is charged, which is made to any probation officer or drug program worker subsequent to the granting of diversion, shall be admissible in any action or proceeding.

In the event that diversion is either denied, or is subsequently revoked once it has been granted, neither the probation investigation nor statements or information divulged during that investigation shall be used in any sentencing procedures.

Section 1000.2. The court shall hold a hearing and, after consideration of the probation department's report and any other information considered by the court to be relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and waives his right to a speedy trial and if the defendant should be diverted and referred for education, treatment, or rehabilitation. If the court does not deem the defendant a person who would be benefited by diversion, or if the defendant does not consent to participate, the proceedings shall continue as in any other case.

At such time that a defendant's case is diverted, any bail bond or undertaking, or deposit in lieu thereof, on file by or on behalf of the defendant shall be exonerated, and the court shall enter an order so directing.

The period during which the further criminal proceedings against the defendant may be diverted shall be for no less than six months nor longer than two years. Progress reported shall be filed by the probation department with the court not less than every six months.

Section 1000.3. If it appears to the probation department that the divertee is performing unsatisfactorily in the assigned program, or that the divertee is not benefiting from education, treatment, or rehabilitation, or that the divertee is convicted of a misdemeanor which reflects the divertee's propensity for violence, or if the divertee is convicted of a felony, after notice to the divertee, the court shall hold a hearing to determine whether the criminal proceedings should be reinstituted. If the court finds that the divertee is not performing satisfactorily in the assigned program, or that the divertee has been convicted of a crime as indicated above, the criminal case shall be referred back to the court for resumption of the criminal proceedings. If the divertee has performed satisfactorily during the period of diversion, at the end of the period of diversion, the criminal charges shall be dismissed.

Section 1000.4. This chapter shall remain in effect until January 1, 1979, and on such date is repealed.

Section 1000.5. Any record filed with the Department of Justice shall indicate the disposition in those cases diverted pursuant to this chapter. Upon successful completion of a diversion program the arrest upon which the diversion was based shall be deemed to have never occurred. The divertee may indicate in response to any question concerning his prior criminal record that he was not arrested or diverted for such offense. A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the divertee's consent, be used in any way which could result in the denial of any employment, benefit, license, or certificate.

Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act because the duties, obligations, or responsibilities imposed on local governmental entities by this act such that related costs are incurred as a part of their normal operating procedures.

DRUG OFFENDER DIVERSION STATUTE

December 15, 1972 - December 31, 1975

Chapter 2.5. Special Proceedings in Narcotics and Drug Abuse Cases

Section 1000. (a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for violation of Section 11500, 11530, 11555, 11556, 11910, or 11990 of the Health and Safety Code and it appears to the district attorney that all of the following apply to the defendant:

(1) The defendant has no prior conviction for any offense involving narcotics or restricted dangerous drugs.

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the sections listed in this subdivision.

(4) The defendant has no record of probation or parole violations.

(b) The district attorney shall review his file to determine whether or not paragraphs (1) to (4), inclusive, of subdivision (a) are applicable to the defendant.

Section 1000.1. (a) If the district attorney determines that this chapter may be applicable to the defendant, he shall advise the defendant or his attorney of such determination. If the defendant consents and waives his right to a speedy trial the district attorney shall refer the case to the probation department. The probation department shall make an investigation and take into consideration the defendant's age, employment and service records, educational background, community and family ties, prior narcotics or drug use, treatment history, if any, demonstrable motivation and other mitigating factors in determining whether the defendant is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which community programs the defendant would benefit from and which of those programs would accept the defendant. The probation department shall report its findings and recommendation to the court.

(b) No statement, or any information procured therefrom, made by the defendant to any probation officer which relates to the specific offense with which the defendant is charged, which is made during the course of any investigation conducted pursuant to subdivision (a), and prior to the reporting of the probation department's findings and recommendations to the court, shall be admissible in any action or proceeding brought subsequent to the investigation, with respect to the specific offense with which the defendant is charged.

Section 1000.2. The court shall hold a hearing and, after consideration of the probation department's report and any other information considered by the court to be relevant to its decision, shall determine if the defendant consents to further proceedings under this chapter and waives his right to a speedy trial and if the defendant should be diverted and referred for education, treatment, or rehabilitation. The defendant's case shall not be diverted unless the district attorney concurs with the court's determination that the defendant be so referred though such concurrence is not necessary with respect to the program to which the defendant is referred. If the court does not deem the defendant a person who would be benefited by diversion, or if the district attorney or the defendant do not consent to participate, the proceedings shall continue as in any other case.

The period during which the further criminal proceedings against the defendant may be diverted shall be for no less than six months nor longer than two years. Progress reports shall be filed by the probation department with the court not less than every six months. If the defendant is arrested and convicted of any criminal offense during the period of diversion, the case for which he has been diverted shall be referred to the court for arraignment and disposition as if he had not been diverted and the case is a regular criminal matter. If the defendant has performed successfully in the education or treatment program, at the end of the period of diversion, the charges shall be dismissed.

Section 1000.3. Any record filed with the Bureau of Criminal Identification and Investigation shall indicate the disposition in those cases diverted pursuant to this chapter.

Section 1000.4. This chapter shall remain in effect until January 1, 1977, and on such date is repealed.

CALIFORNIA'S NEW MARIJUANA LAW
SB 95, CHAPTER 248, STATUTES OF 1975

(Record destruction provisions modified by AB 3050, Chapter 952, Statutes of 1976)

1. Possession of *one ounce or less* of marijuana is a misdemeanor.

   A. Police will issue a citation for an alleged offender to appear in court. If the individual signs the promise to appear, and properly identifies himself, he will not be fingerprinted or photographed and will not be taken into custody.

   B. Procedurally there are options left to the local magistrate, and hence, to the alleged offender.

      1) If the magistrate sets bail for alleged offenders, those who have no prior convictions for possession of marijuana may choose to forfeit bail and avoid any further proceedings. An alleged offender with such a prior conviction may forfeit bail only if the magistrate determines that requiring a court appearance will cause him undue hardship.

      2) If the magistrate decides *not* to set bail and authorize the above procedures, an alleged offender will appear in court and be apprised of his right to an attorney, his right to test the evidence against him and his right to a speedy trial. He may also be eligible to participate in the Drug Offender Diversion Program (P.C. 1000).

   C. The maximum fine for conviction is $100.00.

   D. After three or more convictions for this offense within a two-year period, the fourth conviction requires the offender to enter the Drug Offender Diversion Program, if a program will accept him.

   E. All records of the event--the citation, court proceedings, conviction, etc.--will be destroyed or permanently obliterated after two years.

2. Simple possession of *more than one ounce* of marijuana is a misdemeanor. (Possession of marijuana for sale is a felony.)

   A. Police have an option to arrest or to cite an alleged offender.

   B. As in current procedures, an alleged offender is arraigned on the charges and is apprised of his right to an attorney, his right to test the evidence against him and his right to a speedy trial. He may also be eligible to participate in the Drug Offender Diversion Program.

C. The maximum penalty is six months in county jail and/or $500.00 fine.

D. The same records destruction procedures apply as above, including the destruction or permanent obliteration of state "RAP" sheets in the Department of Justice.

3. Simple possession of any amount of "concentrated cannabis" may be prosecuted as either a felony or a misdemeanor. Concentrated cannabis is defined as "the separated resin, whether crude or purified, obtained from marijuana." (Includes hashish and hash oil.)

A. Police will arrest an alleged offender and take him into custody as a felon.

B. The district attorney or the court will determine whether the case will be handled as a misdemeanor or a felony.

C. The same rights and court procedures apply as in 2.B. above.

D. The maximum penalty is one year in county jail and/or $500.00 fine, or state prison for one to five years.

E. Records destruction provisions *do not* apply.

4. Transporting or giving away one ounce or less of marijuana is treated the same as possessing one ounce or less, except that the diversion provision (1.D. above) is not mentioned.

5. It will no longer be unlawful to possess marijuana smoking paraphernalia, nor will it be a violation to visit a place where marijuana is being used.

6. While marijuana intoxication in public will still remain a violation, being under the influence of marijuana will no longer be a Health and Safety Code violation with a mandatory minimum ninety-day jail sentence.

7. Any person who was arrested and/or convicted of a marijuana possession or specified misdemeanor marijuana offense prior to January 1, 1976, can have certain arrest, citation and court records destroyed or permanently obliterated.

A. The procedure begins with an application to the California Department of Justice.

B. The Department, upon verifying the applicant's identity and offense, and upon the applicant's payment of not more than $37.50, shall notify the Federal Bureau of Identification of the destruction of the records, and shall destroy its own records and request that the appropriate law enforcement agency, probation department and Department of Motor Vehicles destroy their records. The petition and order itself will also be destroyed.

8. No marijuana record over two years old which is subject to destruction under these provisions shall be deemed an accurate or relevant record. No employer may ask a potential employee about an arrest or conviction for such a marijuana offense more than two years from the date of its occurrence.

9. Diversion under Penal Code Section 1000 et seq. remains an option for qualified offenders charged with any of the three marijuana sections (1, 2 or 3 above).

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